



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 15, 2016

BY ECF

The Honorable Kimba M. Wood
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

**Re: United States v. James David Williams, et al.,
16 Cr. 436 (KMW)**

Dear Judge Wood:

The parties write, pursuant to the Court's order at the conference on July 21, 2016, to provide an update on the status of discovery in advance of the conference currently scheduled for November 22, 2016.

As detailed in the Government's letter motion requesting a protective order on November 2, 2016 (Dkt. No. 39), a variety of technical and logistical issues resulted in a significant delay in making discovery available to the defendants. Recently, the Government produced approximately 80 gigabytes of material to the defendants consisting primarily of warrant affidavits and orders, the contents of certain email accounts obtained by search warrant, and thousands of pages of bank records relevant to the investigation, as well as miscellaneous other records.

In addition, the FBI finished their initial analysis of electronic devices seized from defendants James David Williams and Gerald Seppala. That material has been made available to those defendants and it is currently being copied onto hard drives they have provided. The amount of material, however, is greater than initially anticipated with approximately two terabytes of data being recovered from devices belonging to Mr. Williams and 500 gigabytes of data being recovered from devices belonging to Mr. Seppala.

Finally, the Government recently obtained records related to email pen registers that were placed on certain email accounts during the investigation and will be turning over that material promptly.

As a result of the late disclosure, the defendants have not had adequate opportunity to review the discovery and determine what motions, if any, they intend to file. They will continue to review the material that they have prior to the conference and will update the Court at the conference as to how much additional time they will need to review what has been provided. In addition, the Government will be able to provide the Court with an update on what, if any, material is still outstanding and provide a timeline for its production.

Hon. Kimba M. Wood

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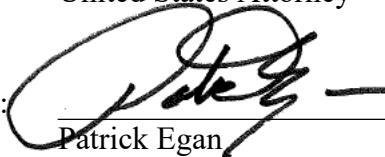
If the Court should require any additional information prior to the conference next week, please let us know and we will provide any additional information the Court may request.

Very truly yours,

PREET BHARARA

United States Attorney

By:

A handwritten signature in black ink, appearing to read "Patrick Egan", is written over a horizontal line.

Patrick Egan

Assistant United States Attorney

(212) 637-2345

cc: All counsel (via ECF)